

STATE OF IDAHO

REVISED

AUTHORIZATION

APPLICATION

FOR

FEDERAL HAZARDOUS

WASTE REGULATIONS

PROMULGATED

JULY 1, 2001

TO

JULY 1, 2003

SUBMITTED BY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SEPTEMBER, 2004



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
Toni Hardesty, Director

September 27, 2004

Mr. Rick Albright, Director
Office of Waste and Chemicals Management
U.S. EPA Region 10
1200 Sixth Ave. - WCM-127
Seattle, WA 98101

RECEIVED

SEP 28 2004

OFFICE OF WASTE
& CHEMICALS

Dear Mr. Albright:

Idaho Department of Environmental Quality, (IDEQ), has been actively making progress towards extending authorization for its Hazardous Waste Program. IDEQ has been promulgating hazardous waste rules and standards and completing the necessary work to submit a program revision application.

Since IDEQ authorization was recently approved and extended by EPA Region 10 for RCRA Clusters IX, X and XI on March 10, 2004, many of the documents contained in that Revised Authorization Application have not changed and remain valid. Any documents that have changed are included or noted in this Revised Authorization Application for RCRA Clusters XII and XIII, such as the 1990 Civil Penalty Policy, revised June 2003, and the 1996 Hazardous Waste Enforcement Response Policy, revised in 2003 and effective February 15, 2004, and the revised, appropriate sections will be implemented. IDEQ is now also requesting authorization for alternative authority provisions of the Post Closure Rule (63 FR 56710).

IDEQ intends to continue to operate an exemplary hazardous waste program. By section 39-4404 of the Idaho Hazardous Waste Management Act, IDEQ is also directed by the Idaho Legislature to assume primacy and maintain consistency with the federal hazardous waste control program. A key to the success and consistency of the IDEQ Hazardous Waste Program has been an ongoing, mutual working relationship with EPA Region 10 that both parties have developed, maintained and valued over the years.

With this Revised Authorization Application for RCRA Clusters XII and XIII, IDEQ requests a program revision to extend authority for all rules contained in RCRA Clusters XII and XIII including alternative authority provisions of the Post Closure Rule.

Please contact John Brueck of my staff at (208) 373-0458 or jbrueck@deq.state.id.us if you have any questions on this Revised Authorization Application.

Sincerely,


Brian R. Monson

Hazardous Waste Program Manager
Waste Management and Remediation Division

BRM:sm

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RCRA CLUSTERS XII AND XIII REVISED AUTHORIZATION APPLICATION

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RCRA CLUSTERS XII and XIII REVISED AUTHORIZATION APPLICATION

INTRODUCTION

The approach of this Revised Authorization Application for RCRA Clusters XII and XIII, which is requesting authority for all delegable federal hazardous waste regulations promulgated from July 1, 2001 to July 1, 2003, including the alternative authority provisions contained in the Post Closure Rule (63 FR 56710), will be to address updated documents and any changes in the Addendum to Program Description for RCRA Clusters IX, X and XI. Any documents that have changed have been included in the Appendices and others that have been cited and have not changed have not been included as they have been previously submitted. (The Hazardous Waste Program Summary, dated April 2000 and submitted in April 2001 for the purpose of background information, and the Idaho Hazardous Waste Facility Siting Act, submitted in September of 2002, have not changed and have not been submitted with this application.)

This Revised Authorization Application has been developed with respect to regulations found in Title 40, Parts 271.6 and 271.21, Code of Federal Regulation. The Attorney General's Statement, signed 9/22/04, has been revised to support the regulatory equivalency and consistency for all delegable federal regulations promulgated as of July 1, 2003, including the alternative authority provisions of the Post Closure Rule. The current, RCRA Memorandum of Agreement (MOA), signed 8/2/01, has not changed, remains in force and has been included in Appendix V since it is such an important supportive document for the Addendum to the Program Description. It is important to note that two important policies cited in the RCRA MOA have been revised, namely the 1990 RCRA Civil Penalty Policy, revised June 2003 and the 1996 Hazardous Waste Enforcement Response Policy, revised in 2003 and effective February 15, 2004. Idaho Department of Environmental Quality will implement the revised, appropriate sections of these updated policies.

RCRA CLUSTERS XII AND XIII REVISED AUTHORIZATION APPLICATION

ADDENDUM TO PROGRAM DESCRIPTION

SEPTEMBER 2004

I. SCOPE, STRUCTURE, COVERAGE, AND PROCESSES OF THE IDAHO HAZARDOUS WASTE PROGRAM [40 CFR § 271.6(a) and 271.21(b)(1)]

Idaho Department of Environmental Quality, (Idaho DEQ), intends to continue to operate a hazardous waste program that is consistent with the federal program. Accordingly, the Idaho Hazardous Waste Rules and Standards are amended annually using an adoption by reference process for all delegable federal requirements with approval by the Idaho Legislature, so that the Idaho Hazardous Waste Rules and Standards, IDAPA 58, Title 1, Chapter 5, remain consistent with federal RCRA hazardous waste regulations. The Revised Attorney General's Statement, (Appendix I), supports coverage for all delegable federal hazardous waste regulations promulgated as of July 1, 2003 including alternative authority provisions of the Post Closure Rule (63 FR 56710). The structure and organization of the Idaho DEQ has not substantially changed since department status was granted as of July 1, 2000.

The scope of this program revision includes the requirements of RCRA Clusters XII , XIII and the alternative authority provisions of the Post Closure Rule (63 FR 56710). This Program Description Addendum (PD) modifies the September 2002 Addendum to Program Description (Appendix II).

II. ORGANIZATION AND STRUCTURE [40 CFR § 271.6(b)]

The Idaho DEQ Waste Management and Remediation Division is responsible for continued implementation of the Idaho Hazardous Waste Program.

A. Staffing and Funding [40 CFR § 271.6(b)(1)(2)(3)]

Organization charts have been included in Appendix III. The 2004 annual RCRA Hazardous Waste Grant Workplan and budget sheets have been included in Appendix IV to outline staff, sources of funding and planned hazardous waste activities.

III. STATE PROCEDURES [40 CFR § 271.6(c)]

There have been no changes to state procedures including permitting procedures as outlined in Hazardous Waste Program Summary, dated April, 2000¹, and the RCRA Memorandum of

¹ The Hazardous Waste Program Summary is cited for the purpose of background information and was submitted in April 2001 with the IDEQ Revised Authorization Application

Agreement, (MOA), revised 7/30/01, and signed 8/2/01, (Appendix V), which has not been changed and is still in force. Idaho DEQ will implement the appropriate, revised sections of the Revised Civil Penalty Policy, dated June 2003, and the Revised 2003 Hazardous Waste Enforcement Response Policy, which was effective February 15, 2004.

IV. FORMS [40 CFR § 271.6(d)]

Idaho DEQ uses federal forms for hazardous waste permits, biennial reporting, notification of hazardous waste activity and manifesting of hazardous waste.

V. COMPLIANCE TRACKING AND ENFORCEMENT [40 CFR § 271.6(e)]

There have been no changes to compliance tracking and enforcement. A complete description of the Idaho DEQ Hazardous Waste Compliance Tracking and Enforcement Program can be found in the Hazardous Waste Program Summary, dated April, 2000, (see footnote 1), and in the RCRA MOA, revised 7/30/01, (Appendix V). Idaho DEQ will implement the appropriate, revised sections of the Revised Civil Penalty Policy, dated June 2003, and the Revised 2003 Hazardous Waste Enforcement Response Policy, which was effective February 15, 2004.

VI. MANIFESTING [40 CFR § 271.6(f)]

There are no changes to this portion of the program. The Idaho DEQ continues to incorporate by reference and enforce federal manifesting requirements.

VII. GENERATORS, TRANSPORTERS, TSD FACILITIES [40 CFR § 271.6(g)(1)(2)(3)]

The Idaho Handler Count Activity Report dated September 21, 2004 has been included in Appendix VI to define the numbers of hazardous waste generators, transporters and treatment, storage and disposal (TSD) facilities. The Permitting Six Quarter Plan dated September 20, 2004, has been included to define types and status of hazardous waste permitted facilities and their operating activities in Idaho. (See Appendix VII).

VIII. ANNUAL QUANTITIES OF HAZARDOUS WASTE [40 CFR § 271.6(h)]

The Idaho Hazardous Waste Management Report, 2003, is the most recent document that describes hazardous waste generation and management in Idaho. See Appendix VIII.

for federal hazardous waste regulations promulgated from July 1, 1996 through June 30, 1998.